

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**BOARDACTIVE CORPORATION,**

*Plaintiff,*

v.

**FOURSQUARE LABS, INC.,**

*Defendant.*

**Case No. 1:22-cv-00597-JDW**

**ORDER**

**AND NOW**, this 21st day of March, 2023, upon review of Defendant Foursquare's Motion To Dismiss For Failure To State A Claim (D.I. 13), for the reasons stated in the accompanying Memorandum, it is **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. All claims under U.S. Patent No. 10,521,822, U.S. Patent No. 10,621,621, and U.S. Patent No. 10,685,380 are **DISMISSED WITHOUT PREJUDICE**;
2. The Motion is otherwise **DENIED**; and
3. BoardActive Corp. may file an Amended Complaint on or before April 4, 2023. If BoardActive does not file an Amended Complaint by that date, the Court will assume that it intends to stand on its current Complaint and will dismiss the claims under the '822, '621, and '380 Patents with prejudice.

**BY THE COURT:**

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.